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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,930

11/16/2005

Grant Charlwood

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140 7590 11/24/2008  
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EXAMINER

HOLLOWAY, JASON R

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/536,930	<b>Applicant(s)</b> CHARLWOOD, GRANT	
	<b>Examiner</b> JASON HOLLOWAY	<b>Art Unit</b> 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

An amendment to the claims received 12 August 2008 is acknowledged. Claims 18-20 have been cancelled. Claims 1-17 are currently pending and have been considered below. The examiner would like to note that applicant indicated on the copy of the claims that claims 18-21 were cancelled. However, there were only 20 claims pending. Thus, applicant should have said that claims 18-20 were cancelled. If applicant adds new claims in response to this office action, the new claims should start with claim 21.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, the recitation "the proximal end of the outer male rib formation includes an outwardly convex formation adapted to engage with an inwardly concave formation on the proximal end of the outer male rib formation" is indefinite. It is unclear how the male outwardly convex formation is engaged with an inwardly concave formation on the same part of the male rib. The examiner construes that the inwardly concave portion is meant to be on the female formation and not the male formation, therefore the examiner will examine the claim for an inwardly concave portion on a female rib until further clarification is provided.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-5, 7-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cookson (3,852,929).

**Regarding claim 1**, Cookson teaches a cladding element (roofing sheet 79) for use in a cladding element assembly (abstract), the cladding element including:

a substantially flat web (as illustrated in figure 4) having a pair of opposed longitudinal edges (as illustrated in figure 4, edges are made up of male rib 81 and female rib 83);

a male rib formation (81) extending at least partially along one longitudinal edge (as illustrated in figure 4) and having a pair of spaced apart inner (inner rib is made up of walls 89 and 93, and pocket 103) and outer upstanding ribs and an engaging formation (outer rib is made up of walls 91 and 97 which are in an engaging formation); and

a female rib formation (83) extending at least partially along the other longitudinal edge (as illustrated in figure 4) and having an inner upstanding rib (inner slanting wall 107), an outer depending rib (resilient outer wall 111) and a joining section (top wall 109), between the inner and outer ribs and displaced from the plane of the web (as

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illustrated in figure 4, the top wall joining section 109 connects inner and outer ribs 107 and 111 and is displaced from the plane of the web), and a corresponding engaging formation (hook 113 and pocket 117 are engaging formations), at least one of the male or female rib formations (81 or 83) being at least partially resiliently flexible (the female outer wall 111 is described as being "resilient"),

wherein the element is adapted for assembly with a like element by positioning of the male formation (81) substantially within the female formation (83) with their respective engaging formations in engagement (as illustrated in figure 6; column 3 lines 54-56), whereby the assembled male (81) and female (83) formations together form a substantially rectangular closed channel (the examiner construes the shape created by the adjoined male and female portion is substantially rectangular) capable of concealment of the fixing means (screw 131) used to fix the cladding elements to a supporting structure (as illustrated in figure 6, fixing means are concealed).

**Regarding claim 3,** Cookson teaches the major visible surface of the web (roofing sheet 79) is the side adjacent to the male (81) and female formations (83) (as illustrated in figures 4, 6, 7, and 8, the side adjacent the male and female formations is the visible side), the fixing means (screw 131) are positioned in the joining section (109) (as illustrated in figure 6, the screw 131 is within the joining portion of the female formation).

**Regarding claim 4,** Cookson teaches the engaging formation (pocket 103) of the male rib formation (81) is a flange angled inwardly and towards the web on the distal end of the inner male rib formation (inner rib is made up of walls 89 and 93, and pocket

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103; as illustrated in figure 4, pocket 103 is angled toward the web of 79) and the corresponding engaging formation (inwardly turned hook 113) of the female rib formation (83) is a flange angled inwardly and away from the web (as illustrated in figure 4, the flange is angled inwardly and away) on the distal end of the outer female rib formation (83).

**Regarding claim 5,** Cookson teaches at least one of the inner male rib or the outer female rib are flexible (the female outer wall 111 is described as being "resilient") and capable of allowing resilient flexing displacement as the angled flanges ride over one another during engagement.

**Regarding claim 7,** Cookson teaches the engaging formation of the male rib formation is an outwardly directed flange (91) on the distal end of the outer male rib formation (as illustrated in figure 6) and the corresponding engaging formation of the female rib formation (83) is an outwardly directed recess (117) on the distal end of the inner female rib formation (83) (as illustrated in figure 6, outermost slanted wall 91 engages internal pocket 117 on the inner part of the female rib 83).

**Regarding claim 8,** Cookson teaches the engaging formation of the male rib formation (81) includes a flange angled inwardly (via external pocket 103) and towards the web on the distal end of the inner male rib formation (as illustrated in figure 4 pocket 103 has a flange angled toward the web 79 on the distal end of the inner rib formation) and the corresponding engaging formation of the female rib formation (83) is a flange angled inwardly and away from the web (inwardly turned hook is angled inwardly and

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away from the web) on the distal end of the outer female rib formation (outer edge of the wall 111) (as illustrated in figure 4); and

an outwardly directed flange (91) on the distal end of the outer male rib formation (as illustrated in figure 4) and the corresponding engaging formation of the female rib formation (internal pocket 117) is an outwardly directed recess on the distal end of the inner female rib formation (83) (as illustrated in figure 4 pocket 117 is an outwardly directed recess of the inner female rib formation).

**Regarding claim 9**, as best understood, Cookson teaches the proximal end (the proximal end is the convergence of slanting walls 91 and 97) of the outer male rib formation (81) includes an outwardly convex formation (the convergence of walls 91 and 97 produces a convex formation) capable of engaging with an inwardly concave formation on the proximal end of the outer male formation (examined as female rib formation as stated above).

**Regarding claim 11**, Cookson teaches the male rib formation is formed by folding some of the web back on itself (column 3 lines 50-53 teaches part of the male formation is made via a double reverse fold).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cookson (3,852,929).

**Regarding claim 6**, Cookson teaches the female outer wall 111 is resiliently flexible.

However, Cookson fails to explicitly disclose the male and female rib formations are both resiliently flexible.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make both the male and female rib portions resiliently flexible in order to be able to clasp them together.

Further, since the male rib formation and female rib formation are made of the same material, the examiner construes that since the female rib formation is resiliently flexible, the male formation would also obviously be flexible.

7. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cookson (3,852,929) in view of Player (4,109,437).

**Regarding claim 2**, Cookson teaches the fixing means (screw 131) are positioned between the inner and outer ribs of the male formation (as illustrated in figure 6, the screw is in between the inner and outer ribs of the male formation 81).

However, Cookson fails to explicitly disclose the major visible surface of the web is the side remote from the male and female formations.

Player et al. teaches a building panel wherein the major visible surface of the web is the side remote from the male and female formations (as illustrated in figures 1



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and 2, the visible surface of the building panel is on the opposite side of the engaging formations).

Therefore, from the teaching of Player et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the visible surface of the web in Cookson on the opposite side of the engaging formation as disclosed in Player et al. in order to provide a more aesthetically pleasing smooth appearance for the panels.

**Regarding claim 10**, Cookson teaches the cladding element is formed from a single piece of metal (column 3 lines 34-36 teaches the panel is made from a sheet of light gauge metal; figure 4 clearly illustrates a cladding sheet which is a single sheet of material).

However, Cookson fails to explicitly disclose the panels are made from steel.

Player et al. teaches it is known in the art to use steel construction panels (column 1 lines 5-6).

Therefore, from the teaching of Player et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the panels of Cookson from steel as taught by Player et al. in order to provide the appropriate strength characteristics needed for the panels.

Further, Cookson fails to explicitly disclose the metal sheets were made from a roll formed process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the sheet metal panels from a roll formed process since it has been held that “even though product-by-process claims are limited by and

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defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” (In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985)).

8. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cookson (3,852,929) in view of Simpson (5,697,197).

**Regarding claims 12-14**, Cookson teaches a web that is partially folded back on itself (column 3 lines 50-53 teaches part of the male formation is made via a double reverse fold), however, fails to explicitly disclose a layer of adhesive which can be an adhesive strip (claim 13) or a glue (claim 14)

Simpson teaches a roof panel having a layer of adhesive (via side lap sealant 276; column 20 line 67 to column 21 line 6 and in Figures 15D-15J).

Simpson further teaches the layer of adhesive is an adhesive strip (via a longitudinal strip of sealant; column 22, lines 22-25).

Simpson also teaches the layer of adhesive is a glue (column 22 lines 33-38, teaches it is known in the art to use a mastic material to hold building panels together. A mastic material, by definition, is equivalent to glue).

Therefore, from the teaching of Simpson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the panel of Cookson to include the layer of adhesive taught by Simpson in order to give the panels further resistance to wind loads and to aid in keeping moisture out of the panels.

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9. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cookson (3,852,929) in view of Kaiser (5,524,409).

**Regarding claim 15**, Cookson teaches the web includes a longitudinal stiffening channel (intermediate rib 85; as illustrated in figure 4).

However, Cookson fail to explicitly disclose a plurality of stiffening channels.

Kaiser teaches a roofing and siding panel which includes a plurality of longitudinal stiffening channels (central rib 2, inclined walls 14 and 24; column 3 lines 5-7 teach the inclined wall 14 and 24 provide additional strength).

Therefore from the teaching of Kaiser, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the panel of Cookson to include the plurality of stiffening channels as taught by Kaiser in order to provide additional strength to the cladding member.

**Regarding claim 16**, Cookson teaches the web includes a longitudinal stiffening channel (intermediate rib 85; as illustrated in figure 4).

However, Cookson fail to explicitly disclose two stiffening channels.

Kaiser teaches a roofing and siding panel which includes a plurality of longitudinal stiffening channels (central rib 2, inclined walls 14 and 24; column 3 lines 5-7 teach the inclined wall 14 and 24 provide additional strength).

Therefore from the teaching of Kaiser, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the panel of Cookson to include multiple stiffening channels as taught by Kaiser in order to provide additional strength to the cladding member.

**Regarding claim 17**, Cookson teaches a longitudinal stiffening channel which is convex toward the rib formations (intermediate rib 85; as illustrated in figure 4).

***Response to Arguments***

10. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HOLLOWAY whose telephone number is (571) 270-5786. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JASON HOLLOWAY

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Examiner  
Art Unit 3633

JH

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633